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United States Department of the Interior
Fish and Wildlife Service

Fishery Leaflet 151

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December 1945

UNEMPLOYMENT INSURANCE INFORMATION
FOR
FISHERMEN AND ALLIED WORKERS^{1/}

NEW ENGLAND STATES
MAINE
NEW HAMPSHIRE
MASSACHUSETTS
RHODE ISLAND
CONNECTICUT

MAINE

Source: Maine Unemployment Compensation Law (original act effective December 18, 1936; latest amendment effective July 21, 1945).

Fishermen and Allied Workers Covered.---These workers are not covered under the Maine Unemployment Compensation Law according to a statement of February 1, 1945, signed by the Chairman of the Unemployment Compensation Commission, quoted in part as follows:

Note: This information is a digest of Unemployment Insurance Laws (as of September 1, 1945) with specific application to fishermen and allied workers in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. This presentation is necessarily not complete; it is an interpretation by the Fish and Wildlife Service of the existing laws, and is subject to correction by courts or administrative agencies.

^{1/} Compiled by the Economics and Cooperative Marketing Section, Division of Commercial Fisheries.

" at the present time fishermen and allied workers are not covered under the Maine Unemployment Compensation Law."

Although fishermen and allied workers are not covered, the following general information is presented.

Employment Not Covered.---Services of: (a) an officer or member of the crew of a vessel on the navigable waters of the United States; (b) family services; (c) part-time services by students under 21 years of age; (d) fishermen's cooperative organizations, provided they are exempt from income tax under Section 101 of the Federal Internal Revenue Code; if wages in any calendar year do not exceed \$45; if performed by a student.

Employers Covered.---Those having eight or more employees for any one day in twenty different weeks in the current or preceding calendar year.

Eligibility of Employees

- (1) Minimum amount of earnings necessary - an employee must have earned \$200 to be eligible for unemployment insurance benefits.
- (2) Waiting period - one full week or one partial week of unemployment before receiving benefits.

Payments

- (1) Maximum and minimum weekly benefit payment - \$20 is the maximum amount that any applicant may receive weekly and \$5 is the minimum amount that may be received weekly as unemployment benefits, less wages, if any, in excess of from \$2.01 to \$3, in accordance with schedule fixed by law.
- (2) Maximum number of weeks payable - the maximum number of weekly benefits that any applicant may receive is twenty.

Contributions

- (1) Employers contribute from 1.2% to 2.7% of wages paid (not in excess of \$3000) to each employee. Rates of contribution are adjusted according to their employment records.
- (2) Employees contribute no part of their wages toward unemployment benefits.

Disqualifications for Benefits.---Applicants are disqualified in the following cases:

- (1) Leaving Work Voluntarily.--For the week in which he left work without good cause, and for not less than one week or more than five weeks immediately following such week, in addition to the waiting period. The length of time is to be determined by the Commission according to the circumstances in each case.
- (2) Discharge for Misconduct.--For the week in which he has been discharged for misconduct in connection with his work and for not less than one or more than nine weeks immediately following such week, in addition to the waiting period. The length of time is to be determined by the Commission in each case.
- (3) Failure to Apply for or to Accept Available Suitable Work.--If the Commission finds that the applicant has failed without good cause, either to apply for available suitable work when so directed by the Employment Office or the Commission or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Commission, he shall be disqualified. Such disqualification will continue for the week in which the failure occurred and for not less than one or more than five weeks which

immediately follow such week, in addition to the waiting period. The length of time is to be determined by the Commission in each case.

In determining whether or not any work is suitable for an applicant, the following shall be considered: (a) degree of risk involved to applicant's health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

However, no work shall be considered suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work for any of the following reasons: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other working conditions are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

- (4) Labor Dispute.--For any week with respect to which the Commission finds that the applicant's total or partial unemployment is due to a stoppage of work, which exists because of a labor dispute at the factory, establishment, or other premises where he is or was last employed, he shall be disqualified.

However, this shall not apply if it can be proved to the Commission that: (a) the applicant is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the stoppage occurred, there were members employed on the premises where it occurred, any of whom are participating in, or financing, or directly interested in the dispute. If in any case, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments on the same premises, each such department shall be considered a separate factory, establishment, or other premises.

- (5) Receipt of Other Compensation.--An applicant is disqualified for any week with respect to which he is receiving or has received: (a) compensation in the form of dismissal wages; (b) compensation for temporary partial disability under the Workmen's Compensation Law of any State or under a similar law of the United States. However, if the compensation received is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive the difference for such week. (c) Benefits under the Unemployment Compensation Law of any other State or similar law of the United States.
- (6) False Statement.--An applicant shall be disqualified for any week for which the examiner finds that the applicant made a wilfull misrepresentation in his application to obtain benefits to which he would otherwise not be entitled. In such event, however, the applicant upon notification, has the right to a hearing, appeal, or review.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

NEW HAMPSHIRE

Source: New Hampshire Unemployment Compensation Law (original act effective January 1, 1936; latest amendment effective April 30, 1945).

Fishermen and Allied Workers Covered.--Fishermen are covered under the New Hampshire Unemployment Compensation Law, except in instances where they are primarily engaged in performing services as an officer or member of the crew of a vessel on the navigable waters of the United States. Allied workers are covered in like manner.

Employment Not Covered.--Besides certain other exemptions which do not apply to the fishery industries: (a) family services; (b) casual labor not in the course of the employer's trade or business; (c) service performed as an officer or member of the crew of a vessel on the navigable waters of the United States.

Employers Covered.--Those having four or more employees in each of twenty different weeks in either the current or preceding calendar year.

Eligibility of Employees

- (1) Minimum amount of earnings necessary - \$200 in preceding calendar year.
- (2) Waiting period - one week of total unemployment, or two weeks of partial unemployment (considered equal to one week of total unemployment), before receiving benefits.

Payments

- (1) Maximum and minimum weekly benefit payments - \$20 is the maximum amount and \$6 is the minimum amount that an applicant may receive weekly as unemployment benefits, less weekly wages, if any, in excess of \$2.
- (2) Maximum number of weeks payable - twenty weeks.

Contributions

- (1) Employers contribute from 0.5% to 2.7% of wages paid (not in excess of \$3000) to each employee. Rates of contribution are adjusted according to records of employment experience.
- (2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

- (1) Leaving Work Voluntarily.--For the period of unemployment following the date on which the applicant left his work voluntarily without good cause, in addition to waiting period. The "period of unemployment" is considered to end only when the applicant has earned in any one week wages equal to or in excess of \$2 more than his weekly benefit amount.

An applicant's "weekly benefit amount" is the amount of benefits he would be entitled to receive for one week of total unemployment.

- (2) Discharge for Misconduct.--For the week in which he has been discharged for misconduct connected with his work, and for the three weeks immediately following such week, in addition to the waiting period. There will be deducted from an applicant's maximum benefits whichever is the lesser of the following: (a) three times his benefit rate or (b) un-

paid balance for the benefit year in which the misconduct occurs.

It is further provided that an unemployed individual who has been discharged for arson, sabotage, felony, or dishonesty, connected with his work shall receive no benefits.

If the discharge is for intoxication of such degree and rate of occurrence as to seriously hamper or interfere with the applicant's work, he shall receive no benefits.

- (3) Failure to Apply for or to Accept Available Suitable Work.--For the week in which the applicant has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Commissioner, and for the three weeks immediately following, in addition to the waiting period.

In determining whether or not any work is suitable for an individual, the Commissioner shall consider: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

No work shall be considered suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

- (4) Labor Dispute.--For any week with respect to which his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed.

This disqualification shall not apply if it is shown to the satisfaction of the Commissioner that either: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute; (c) the stoppage of work was due solely to the failure of the employer to live up to the provisions of any contract entered into between the employer and his employees.

If in any case separate branches of work which are commonly conducted as separate business in separate premises are conducted in separate departments of the same premises each such department shall, for this purpose, be considered to be a separate factory, establishment, or other premises.

- (5) Pregnancy.--For eight weeks prior to expected childbirth as certified by a physician and ending eight weeks after childbirth. The disqualification will be ended sooner, however, if the applicant has earned wages in any one week equal to or in excess of two dollars more than her weekly benefit amount after childbirth.
- (6) False Statement.--If convicted of falsifying claims, an applicant shall be considered ineligible to receive benefits from the date of the falsification for which the applicant was convicted, and in addition, shall be considered ineligible to receive benefits for one year from the date of his conviction.

If applicant has received any benefits because he misrepresented or did not disclose a material fact, or while disqualified, such sum either will be deducted from future benefits payable to him or be repaid by him, in accordance with the Commissioner's determination.

- (7) Receipt of Other Compensation.--(1) For any week with respect to which he is receiving or has received remuneration in the form of: (a) wages instead of dismissal notice; (b) a sickness or separation allowance; (c) benefits from a pension plan operated by the employer; (d) compensation for temporary partial disability under the workmen's compensation law of any State or under a similar law of the United States; (e) primary insurance (old age and survivor's) benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress; (f) any payments, upon his discharge from military service, from either the State or Federal Government, or both. If the remuneration under any of the foregoing in this section is less than the benefits which would otherwise be due, applicant is also entitled to receive the difference.

(2) For any week or part of a week with respect to which he is seeking or has received payments in the form of unemployment compensation under an unemployment compensation law of any other State or under a similar law of the Federal Government.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed, and file your claim for benefits with the representative of the Unemployment Compensation Division.

MASSACHUSETTS

Source: Massachusetts Employment Security Law (original act approved August 12, 1935; latest amendment effective October 16, 1945).

Fishermen and Allied Workers Covered.--Fishermen are not covered in this State according to a statement of April 16, 1945, signed by the Chief Counsel, Division of Employment Security, which is quoted in part as follows:

" It was felt . . . by the Advisory Council of this Division that the coverage of the industry would appear to adversely affect the fishing industry in Massachusetts if there were not similar action on the part of the States or by the Federal Government."

Although the exemption of "Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States" includes fishermen, it does not include "services performed by. . . . others not members of the crew of a vessel who work in connection with the loading and unloading of vessels," according to Administrative Interpretation of January 1, 1941.

A Commissioner Opinion of December 30, 1937, exempts not only oyster fishing on the navigable waters of the United States but the sorting and packing of the oysters by the same individuals who engaged in the fishing operations.

An Interpretation of August 18, 1936, and a Commissioner Opinion of February 2, 1937, states that individuals making repairs to and painting vessels are covered, unless they are officers or members of the crews of vessels, or unless later absorbed in the crew payroll in the summer after having cleaned and painted boats during April and May.

The foregoing Interpretations and Opinions indicate that allied workers are generally covered except in instances similar to those mentioned in the foregoing Interpretations and Opinions.

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel on the navigable waters of the United States; (b) family services; (c) casual labor not in the course of the employer's trade or business; (d) services for fishermen's cooperatives provided they are exempt from income tax under Section 101 of the Federal Internal Revenue Code, if wages for such services in any calendar-year quarter do not exceed \$45, or if such services are performed by students.

Employers Covered.--Those having one or more employees on some day in each of twenty weeks in the current year.

Eligibility of Employees

- (1) Minimum amount of employees earnings necessary - \$150 in base period, that is, the calendar year immediately preceding first day of the benefit year, commencing April 1.
- (2) Minimum amount of earnings necessary by persons terminated from military service - \$150 in calendar year effective at time of induction or enlistment.
- (3) Waiting period - one week of full unemployment before receiving benefits, or two weeks of partial unemployment which need not be consecutive.

Payments

- (1) Maximum and minimum weekly benefit payments - \$21 is the maximum amount that applicant may receive weekly, and \$6 is the minimum amount that may be received weekly as unemployment benefits. If partially unemployed, applicant shall be paid the difference between weekly benefit amount to which he would have been entitled if totally unemployed and the remuneration earned during each week of partial unemployment. Part-time unemployment benefits are determined by procedure prescribed by the Director.
- (2) Maximum number of weeks payable.--The maximum number of weekly benefits that any applicant may receive is either \$23, or an amount equal to 30% of total wages in the base period, that is, the calendar year immediately preceding first day of benefit year, commencing April 1, whichever is lesser.

Contributions

- (1) Employers contribute from 0.5% to 2.7% of wages paid (not in excess of \$3000) to each employee. Rates are adjusted according to records of employment experience.
- (2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.---No waiting period shall be allowed and no benefits shall be paid to an applicant for:

- (1) Failure to Comply with Regulations.---Any week in which he fails without good cause to comply with the registration and filing requirements of the Director. The Director shall furnish copies of such requirements to each employer, who shall notify his employees of the terms thereof when they become unemployed.
- (2) Labor Dispute.---No waiting period shall be allowed and no benefits shall be paid to an applicant for any week with respect to which the Director finds that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he was last employed; provided, that this shall not apply if it is shown to the satisfaction of the Director that: (a) applicant is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute; provided, that if, in any case, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department may be considered a separate factory, establishment, or other premises; (c) the payment of regular union dues or assessments shall not be considered as participating in, or financing, or being directly interested in a labor dispute.
- (3) Failure to Apply for or to Accept Suitable Work.---No waiting period shall be allowed and no benefits shall be paid to an applicant for any week in which an otherwise eligible individual fails, without good cause, to apply for suitable employment whenever notified so to do by the Employment Office, or to accept suitable employment whenever offered him, and for so many of the next four consecutive weeks as the Director shall determine from the circumstances in each case, in addition to waiting period. The duration of benefits for unemployment to which the employee would otherwise have been entitled may be reduced for so many weeks, not exceeding four, as the Director shall determine from the circumstances in each case.

"Suitable employment," as used here, shall be determined by the Director, who shall take into consideration the following conditions: (a) whether the employment is detrimental to the health, safety, or morals of an employee; (b) whether it is one for which he is reasonably fitted by training and experience, including employment not included in this law; (c) whether employment is one which is located within reasonable distance of his residence or place of last employment; (d) and is one which does not involve travel expenses substantially greater than that required in his former work.

No work shall be deemed suitable, and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if acceptance of such work would require the individual to join a company union or would deprive or limit his right to join or retain membership in any bona fide labor organization or association of workmen.

- (4) Receipt of Other Compensation.--No waiting period shall be allowed and no benefits shall be paid to an applicant for any period with respect to which he is receiving or has received or is about to receive remuneration in the form of: (a) payments instead of dismissal notice; (b) vacation allowances; (c) compensation for partial or total disability under the Workmen's Compensation Law of any State or under any similar law of the United States, but not including payments for certain specified injuries under the Workmen's Compensation Law of Massachusetts, or payments for similar specified injuries under Workmen's Compensation Laws of any State or under any similar law of the United States.

No waiting period shall be served and no benefits shall be paid to an applicant for any week with respect to which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law or employment security law of any other State or of the United States; provided, that, if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

Persons terminated from the Armed Forces to whom unemployment compensation is payable under an Act of Congress, are disqualified for benefits for any week until they have exhausted all their rights to such payments from the United States.

- (5) Leaving Work Voluntarily.--No waiting period shall be allowed and no benefits shall be paid to an applicant for the period of unemployment next ensuing after an individual has left his employment voluntarily without good cause attributable to the employing unit or its agent.
- (6) No waiting period shall be allowed and no benefits shall be paid to an applicant for the period of unemployment next ensuing after he has left his employment because of discharge for deliberate misconduct in wilful disregard of the employing unit's interest.
- (7) Pregnancy.--No waiting period may be served and no benefits shall be paid for the period of unemployment next ensuing after an applicant has become unavailable for work because of pregnancy; provided, that in no event shall a waiting period be served or benefits paid for the four weeks prior to or the four weeks next following the date of birth of the child.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

RHODE ISLAND

Source: Rhode Island Unemployment Compensation Law (original act effective May 15, 1936; latest amendment effective April 24, 1944).

Fishermen and Allied Workers Covered.--Fishermen are not covered under the provisions of the Rhode Island Unemployment Compensation Act, but shore workers are included under its provisions according to statement of May 28, 1945, signed by the Employment Security Status Officer, Unemployment Compensation Board, which states in part, as follows:

"In accordance with the Rhode Island Unemployment Compensation Act, the term 'Employment' does not include services performed as an officer or member of a crew of a vessel on the navigable waters of the United States; therefore, fishermen and allied workers are not covered under the provisions of the Rhode Island Unemployment Compensation Act."

However, according to the following paragraphs from the same letter, shore workers are covered under the provisions of the above law:

" . . . the status of oystermen has been defined in a Board ruling handed down on November 23, 1936, which reads in part as follows: 'Those individuals who work on shore, then work on the boat, would be exempt for such time as they worked on the boat. If such an individual put in most of his time on the boat, he should be exempt entirely. If such an individual worked mostly on shore, he would not be exempt.'"

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel in the navigable waters of the United States; (b) domestic service in a private home; (c) an individual in the employ of his son, daughter, or spouse; (d) a child under age of 21 in the employ of his father or mother; (e) students.

Employers Covered.--Those having four or more in any twenty days in twenty weeks.

Eligibility of Employees

- (1) Minimum amount of earnings necessary - \$100.
- (2) Waiting period - one week of full unemployment or two weeks of partial unemployment or a combination of one partial and one total week of unemployment before receiving benefits. Weeks do not have to be consecutive. An applicant who has been terminated from military service and is eligible for benefits under other provisions of the law, is not required to serve a waiting period; eligibility of such applicant commences on the day following discharge from military service.

Payments

- (1) Maximum and minimum weekly benefit payments for total unemployment - \$18 is the maximum amount that the applicant may receive weekly, and \$6.75 is the minimum amount that may be received weekly as unemployment benefits.
- (2) Maximum weekly benefit payments for partial unemployment in any week - payable in an amount equal to the difference between the applicant's weekly benefit for total unemployment and his weekly wages, if wages are less.
- (3) Maximum number of weeks payable - 20-1/4 weeks (\$364.50).

Contributions

- (1) Employers contribute 2.7% of wages paid (not in excess of \$3000) to each employee.
- (2) Employees contribute 0.5% of wages earned up to \$3000 per annum.

Disqualifications for Benefits.---Applicants are disqualified in the following cases:

- (1) Labor or Trade Disputes.---Ineligible for eight weeks in addition to his waiting period, if he became unemployed because of a strike or other industrial controversy in the establishment in which he was employed.

This subsection shall not apply if it is shown to the satisfaction of the Board that the claimant is not a member of the organization or group responsible for the stoppage of work, and is not participating in, or financing, or in any way directly interested in the labor dispute which caused the stoppage of work.

- (2) Leaving Work Voluntarily.---An individual who has left work voluntarily without good cause shall be ineligible for benefits for the week in which such leaving occurred and for the three weeks which follow, in addition to his waiting period.
- (3) Discharge for Misconduct.---An individual who has been discharged for proved misconduct connected with his work shall thereby become ineligible for benefits for the week in which such discharge occurred and for not less than the one or more than the ten weeks which follow, in addition to his waiting period, as determined by the Board in each individual case.
- (4) Receipt of Other Compensation.---An individual shall be disqualified from receiving benefits for any week of his unemployment occurring within any period with respect to which such individual is currently receiving or has received remuneration in the form of: (a) compensation for temporary partial disability under a workmen's compensation law of any State or under a similar law of the United States; (b) old-age benefits under Title II of the Federal Social Security Act, as amended, or similar payments under any Act of Congress; (c) benefits under an unemployment compensation law of any State or of the United States.

If the remuneration designated in (a) or (b) is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

- (5) Receipt of Remuneration in Connection with Military Service.---An applicant shall be disqualified from receiving benefits for any week of unemployment if he is receiving Federal unemployment allowances after termination of military service. He is not disqualified, however, for receiving mustering-out pay or payments for a service-connected disability.
- (6) Refusal to Apply for or to Accept Suitable Work.---If an otherwise eligible individual fails, without good cause, either to apply for suitable work when notified by the employment office, or to accept suitable work when offered him, he shall thereby become ineligible for benefits for the week in which such failure occurred and for not less than the one or more than the three weeks which follow as determined by the Board according to the circumstances of each case, in addition to his waiting period.

"Suitable work" shall mean any work which has the following qualifications: (a) the individual in question is reasonably fitted; (b) it is located within a reasonable distance of his residence or last place of work; (c) it is not detrimental to his health, safety, or morals.

No work shall be deemed suitable, and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work are substantially less favorable to the employee than those prevailing for similar work in the locality; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

- (7) Vacations.--An individual shall be ineligible for benefits with respect to any week in which, temporarily, he is not required, for a vacation period, to render services for an employing unit, provided that this subsection shall not apply if it is shown to the satisfaction of the Board that such an individual did not apply for such vacation period, and that such individual did not receive, with respect to such week, any wages in the form of vacation pay.
- (8) Acts Committed Prior to Entry into Military Service.--The provisions relating to disqualifying acts committed by persons prior to entry into military service shall not apply to any such persons after termination of their military service.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

CONNECTICUT

Source: Connecticut Unemployment Compensation Law (original act effective November 30, 1936; latest amendment effective January 1, 1946).

Fishermen and Allied Workers Covered.--These workers are covered under the Connecticut Unemployment Compensation Law. In this connection, the Acting Executive Director of the Unemployment Security Division of the State of Connecticut Department of Labor and Factory Inspection states as follows:

"The types of employment which are specifically excluded from coverage under the Connecticut law do not include fishermen and as a consequence workers in that type of employment are entitled to and eligible for unemployment compensation benefits in the same fashion as employees in any other covered industry."

The Connecticut Unemployment Compensation Law was amended in 1943 to cover service performed as an officer or member of the crew of a vessel on the navigable waters of the United States.

Employment Not Covered.--Services of: (a) family services; (b) casual labor not in the course of the employer's trade or business.

Employers Covered.---Those having four or more employees in any thirteen weeks in each calendar year after 1941.

Eligibility of Employees

- (1) Minimum amount of earnings necessary - \$144.
- (2) Minimum amount of earnings necessary, effective January 1, 1946 - \$240.
- (3) Waiting period - one week of partial unemployment before receiving unemployment benefits.

Payments

- (1) (a) Maximum and minimum weekly benefit payments to applicants with no dependents - \$22 is the maximum amount and \$6 is the minimum amount that may be received weekly as unemployment benefits. Effective January 1, 1946, the minimum amount that may be received weekly is \$8. (b) Applicants having dependents are entitled to receive additional allowances, the amount of these allowances being determined by the number of qualified dependents, for each such week as the applicants are otherwise entitled to receive benefit payments. As a consequence, the total maximum weekly benefit that any applicant may receive is \$28 and the minimum is \$8 when the applicant has one dependents. Effective January 1, 1946, the minimum is \$10 for an applicant having one dependent. If both a husband and wife receive benefits with respect to a week of unemployment, neither shall be entitled to a dependency allowance with respect to the other and only one of them shall be entitled to a dependency allowance with respect to their child or children.
- (2) Maximum number of weeks payable.--The maximum number of weekly benefits that any applicant may receive is eighteen. Effective January 1, 1946, the maximum number of weekly benefits that any applicant may receive is twenty.

Contributions

- (1) Employers contribute from 1.5% to 2.7% of wages paid (not in excess of \$3000) to each employee. Rates of contributions will be adjusted by the Department according to the records of employment experience.
- (2) Employees contribute no part of their wages toward unemployment benefits.

Disqualifications for Benefits.---Applicant shall be ineligible for benefits in the following cases:

- (1) Failure to Apply for or to Accept Suitable Work.--If the Administrator shall find that applicant has failed without sufficient cause either to apply for available, suitable work when so directed by the public employment bureau or the Administrator, or to accept suitable work when offered him by the public employment bureau or by an employer, including an employer not subject to this chapter, or to engage in self-employment when so directed by the Administrator, such ineligibility to continue for the week in which such failure occurred and for the next four following weeks, none of which shall count as part of the waiting period. Work or self-employment shall not be deemed suitable unless the Administrator finds that it may reasonably be expected to give the applicant wages greater than the individual's benefit rate for total unemployment.

In further determining suitability of any work or self-employment, the Administrator may consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior

training and experience; (c) length of unemployment; (d) prospects for securing local work in his customary occupation (e) distance of the available work from his residence.

No work shall be deemed suitable nor shall benefits be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

- (2) Voluntary Leaving--Misconduct.--During the week in which, in the opinion of the Administrator, applicant has: (a) left work without sufficient cause which either is connected with his employment or is beyond his control solely by reason of governmental regulation or statute; (b) been discharged for wilfull misconduct in the course of his employment, and for the next four following weeks, none of which shall count toward the waiting period.
- (3) Labor Dispute.--During any week in which it shall be found by the Administrator that his total or partial unemployment is due to the existance of a labor dispute at the factory, establishment, or other premises at which he is or has been employed; this disqualification shall not apply if it shall be shown to the satisfaction of the Administrator that: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the unemployment; (b) he does not belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred, and are participating in, or financing, or directly interested in the dispute.

Any individual whose unemployment is due to a lockout shall not be disqualified unless the lockout results from demands of the employees as distinguished from an effort on the part of the employer to deprive employees of some advantage they already possess.

- (4) Receipt of Other Compensation.--During any week with respect to which the individual has received or is about to receive compensation in the form of: (a) wages instead of notice or dismissal payments or any payment by way of compensation for loss of wages, or any other State or Federal unemployment benefits; (b) compensation for temporary disability under any workmen's compensation law.
- (5) Pregnancy.--If it shall be found by the Administrator that total or partial unemployment is due to pregnancy; provided, in any event, no woman shall be eligible to receive benefits within two months before childbirth and within two months after the date of childbirth, in either of which cases the Administrator may require the production of doctor's certificates to establish such dates.
- (6) Leaving Work to Study.--If it shall be found by the Administrator that he has left employment to attend a school, college, or university as a regularly enrolled student, such ineligibility to continue during such attendance.

- (7) Compensation for Military Service:--During any week with respect to which an individual is receiving any unemployment allowance or compensation granted by the United States under an Act of Congress to ex-servicemen in recognition of former military service.

An Opinion of the Assistant Attorney General, dated April 3, 1944, holds that ex-servicemen are not ineligible for benefits for the period during which they are eligible to receive mustering-out pay.

Where to Apply for Benefits.--Register at the local United States Employment Office immediately upon becoming unemployed.